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| 10/826,306      | 04/19/2004  | Wallace Woo          | BHT-3092-429        | 9823             |

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BRUCE H. TROXELL  
SUITE 1404  
5205 LEESBURG PIKE  
FALLS CHURCH, VA 22041

EXAMINER

LARSON, JUSTIN MATTHEW

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3782

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/826,306

Applicant(s)

WOO, WALLACE

Examiner

Justin M. Larson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 18 and 132 (both on Page 5). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: Line 9 should read "and one of said speakerss having a signal input line". Appropriate correction is required.
4. Claim 8 is objected to because of the following informalities: Line 2 should read "on both sidess at the bottom". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the rear side of said bag" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the front side of said bag" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the exterior of said bag" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "said signal output socket" in lines 10-11. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the bottom of said accommodating space" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "the front accessory pocket" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites, "binding tape selectively disposed inside and outside said bag for passing wire." To the degree that the binding tape (18) has not been labeled in the drawings, Examiner is first unclear as to just what this binding tape is. Second,

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Examiner is unsure how a binding tape can be disposed both inside and outside of the bag.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 4-11, and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han (US 6,883,693 B2).

Regarding claims 1, 7, 9, and 19, Han discloses a backpack comprising a bag having an accommodating space (12/13) and a latch; two shoulder straps; a handle; a wire guider (19); and two speakers (30,40) built into the sides of the front of the bag, the speakers having signal lines (50,51). Han fails to specifically disclose there being a plug connecting one of the signal lines to the Walkman (20). Official Notice is taken to the fact that it is old and well known in the art for a signal line to have a plug on its end so that the signal line can be connected to the output port on a Walkman. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a plug on the end of Han's signal line (50) so that the line could be connected to the output port of the Walkman.

Regarding claim 2, Han discloses a power supply device (41) housed in a speaker casing which Examiner is considering to be a box to the degree that it is a case with a removable lid. The power supply is connected to a main speaker (30) by a power

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supply cable (51), the main speaker having a built-in amplify circuit (31) that is controlled by a control button (32) on the surface of the speaker.

Regarding claims 4 and 5, the power supply can be considered disposed within the accommodating space (12) or within an accessory pocket (12) at the front of the bag depending on how you view the backpack of Han.

Regarding claim 6, Official Notice is taken to the fact that it is old and well known in the art to make the straps of a backpack adjustable. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the shoulder straps of Han adjustable so that a user could adjust the length of the straps for comfort and proper fit.

Regarding claim 8, the speakers of Han are located in both sides at the bottom of the accommodation space (12/13); there is a hole (17) in the cloth of the bag; and a panel (60) is aligned with the speaker by passing a fixture (on ring 62) through the panel.

Regarding claims 10 and 11, the backpack of Han includes several zippered pockets (other than 12,13), where the exterior of the bag can be considered a cover covering the pockets and the zippers can be considered latches to the degree that they fasten the pockets closed. The initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Han which is capable of being used in the intended manner, i.e., a user accessing a compact disk within one of these

pockets. There is no structure in Han that would prohibit such functional intended use (see MPEP 2111).

Regarding claims 13 and 14, the backpack of Han includes two zippered or latched side pockets (12,13) disposed in the accommodating space and the exterior of the bag, the pockets being capable of receiving a portable audio device in addition to housing the speakers, effectively satisfying the limitations of the claim.

Regarding claims 15 and 16, the pockets (12,13) of Han include wire guiders (Figure 5) through which the wires (50,51) of the speaker are passed. Han also discloses a wire guider (19) at the top of the bag, formed by a plurality of radial cut lines (see esp. Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include such a wire guide in the sides of the pockets as another art equivalent means of allowing a wire to pass through the pocket walls.

Regarding claims 17 and 18, to the degree that the claimed binding tape is unclear as set forth in paragraph 6 above, Examiner is considering the pipes (14) of Han to be equivalent to the claimed adhesive binding tape, since the pipes of Han serve the same purpose of the claimed adhesive binding tape, that is, to run the wires along the interior of the backpack to the top of the bag.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Han as applied to claim 2 above in view of Silverstein (US 4,090,033 A).

The backpack of Han includes the claimed features except for the speaker power supply being in the form of a dry battery cell.

Silverstein, however, teaches that it is old and well known in the art to power a speaker (32) using dry cell batteries (92). It would have been obvious to one having ordinary skill in the art at the time the invention was made to power the speakers of Han using dry cell batteries, as taught by Silverstein, since such batteries have been shown to successfully power speakers.

10. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Han as applied to claim 1 above in view of Webb (US 2003/0197044 A1).

The backpack of Han includes the claimed features, however, it can be argued that Han does not include a front cover like that of Applicant's present invention.

Webb, however, teaches that a backpack may have a front cover (15) which is basically a flap placed over the rear side of the backpack. The front cover includes a pocket (16A) and is secured to the rear side of the backpack via two straps or strings (70,72) with buckles (71,73). It would have been obvious to one having ordinary skill in the art at the time the invention was made modify the backpack of Han by providing a front cover flap, as taught by Webb, in order to provide additional storage space and to protect the rear side of the backpack.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Thursday, 7am - 5pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JML  
10/11/06

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER